

**Special Meeting Agenda
Wednesday, May 6, 2009
10:00 AM or
immediately following the
Formal Meeting**

**BOARD OF SUPERVISORS
Maricopa County, Arizona
(and the Boards of Directors of the Flood Control
District, Library District, Stadium District, Improvement
Districts, and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

**County Manager
David Smith**

**Clerk of the Board
Fran McCarroll**

**Meeting Location
Supervisors' Auditorium
205 W. Jefferson
Phoenix, Arizona 85003**

Agendas are available at least 24 hours prior to each meeting in the Office of the Clerk of the Board, 301 West Jefferson, Tenth Floor, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at http://www.maricopa.gov/Cik_board/Agendas.aspx. One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, (602) 506-3766, Fax (602) 506-6402, TDD (602) 506-2348. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

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**GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED
GOLD – WITHDRAWN / BROWN – NO ACTION**

BOARD OF SUPERVISORS

Adult Probation

1. ADULT PROBATION POSITIONS REQUEST – APPROVED

Approve the creation of five classified positions (three Probation Managers, one Justice System Clerk Lead and one Probation Assistant) in the Adult Probation Department. This position request is necessary due to the fact that five current Adult Probation employees are participating in the new Post Employment Health Enhancement Retirement Program (PEHEP) which requires that current positions #16538, 18300, 00055, 34181 and 17563) be eliminated. Creation of these positions is necessary because the department, under its revised structure, cannot operate without the Probation Manager, Justice System Clerk Lead and Probation Assistant positions.

Approve an exemption to the PEHEP in order to recruit for the newly created classified Probation Manager with the range of \$30.88/hour to \$37.62/hour, Justice System Clerk Lead with the range of \$16.33/hour to \$19.88/hour and Probation Assistant with the

range of \$16.29/hour to \$17.73/hour.

Positions 16538, 18300, 00055, 34181 and 17563, in the Adult Probation Department, were inactivated due to the previous incumbent's participation in the 2009 Post Employment Health Enhancement Retirement Program. The positions current attributes are as follows:

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$38.81

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$43.75

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$43.50

MRT: Justice System Clerk Lead
Status: Classified
Budgeted Rate - \$23.38

MRT: Probation Assistant
Status: Classified
Budgeted Rate - \$19.71

Due to the nature of these positions, the Adult Probation Department feels it necessary to replace positions 16538, 18300, 00055, 34181 and 17563 with new positions. The new positions attributes will be as follows:

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$37.62

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$37.62

MRT: Probation Manager - Adult Probation
Status: Classified
Budgeted Rate - \$37.62

MRT: Justice System Clerk Lead
Status: Classified
Budgeted Rate - \$19.88

MRT: Probation Assistant
Status: Classified
Budgeted Rate - \$17.73

Due to the impending retirement of three Adult Probation Division Managers, one Justice System Clerk Lead and one Probation Assistant, the department will reduce one Office Assistant Specialized from 1 FTE to .35 FTE to achieve the necessary savings as

part of the department's plan to reorganize. This will result in achieving at least \$44,431 in savings as required under the 2009 Post Employment Health Enhancement Retirement Program. Since Adult Probation has already achieved \$7,420,316 in budgetary reduction in the General Fund for FY 2010, no further reductions are required at this time. (C-11-09-003-M-00)

Clerk of the Board

2. RESCIND PREVIOUS BOARD ACTION AND ADOPT NEW RESOLUTION RELATED TO GRANT POLICY GUIDELINES FOR INITIAL APPLICATIONS AND DELEGATING AUTHORITY ON REQUIRED SIGNATURES FOR GRANT APPLICATIONS – APPROVED

Rescind the Resolution adopted by the Board of Supervisors on March 18, 2009, entitled, "Resolution for the Board of Supervisors/Board of Directors for the Delegation Authority on Grant Applications in Compliance with Grant Policy Guidelines." (C-06-09-283-6-00)

Adopt a new Resolution entitled, "Resolution of the Board of Supervisors/Board of Directors Modifying the Grant Policy Guidelines for Initial Applications and Delegating Authority on Required Signatures for Grant Applications." This Resolution amends the initial grant application requirements of Section D.1(a) of the Policy for Administering Grants (A2505).

The new Resolution permits departments and special districts to apply for grants that meet certain requirements in order to prevent the County from incurring additional expenses associated with grants as much as possible. Grant applications that do not meet the requirements set forth in the amendment must receive approval by the Board prior to application. This amendment shall apply to all grant applications submitted after May 14, 2009. In addition, the Resolution delegates authority to the Chairman of the Board to sign grant applications when the granting authority requires the Chairman's signature. (C-06-09-283-6-01)

Community Development

3. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), & EMERGENCY SHELTER GRANT (ESG) ANNUAL ACTION PLANS – APPROVED

Approve the following actions regarding federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds. No General Funds will be involved in this action. There will be a 12.7% indirect cost allocation that is fully recoverable.

(1) ADOPT a Resolution for the submission of the FY2009-2010 Annual Action Plans, any plan amendments, and amendments to the FY2005-2009 Five-Year Consolidated Plans and Citizens Participation Plan; and acceptance of CDBG, HOME, and ESG funding for FY2009-2010 of \$6,914,018 (CDBG: \$2,425,840; HOME: \$4,391,657; and ESG: \$96,521.) NOTE: The ESG funds will be administered by the Maricopa County Human Services Department.

(2) APPROVE the Maricopa HOME Consortium and the Maricopa Urban County Annual

Action Plans for July 1, 2009 through June 30, 2010. The Annual Action Plans (AAP) contains specific projects for funding to implement the FY2005-2009 Five-Year Consolidated Plan. FY2009-2010 is Year 5 of 5 under the Five-Year Consolidated Plan.

FUNDING SUMMARY TOTALS (SEE ATTACHMENT A)

1. Total Urban County CDBG Grant = \$2,425,840 (See Attachment A)
 - (a) Urban County CDBG Allocation = \$2,167,757
 - (b) Urban County CDBG Unprogrammed Funds = \$258,083
 2. Total HOME Consortium Grants = \$4,391,657
 - (a) Maricopa County Share HOME Funds = \$846,702 (See Attachment A)
 - (b) Urban County HOME Unprogrammed Funds = \$338,940
 - (c) Consortium City/Town Share HOME Funds = \$2,595,074 (See Attach B)
 - (d) Consortium CHDO Share HOME Funds = \$610,941 (See Attachment C)
 3. Total Urban County ESG Grant = \$96,521 (See Attachment A)
- TOTAL ALLOCATION = \$6,914,018**

Subrecipient contracts will be submitted in subsequent agenda items.
(C-17-09-051-G-00)

Human Services

4. IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDS – APPROVED

Approve an Intergovernmental Agreement (IGA) with Arizona Department of Economic Security (DES) DE091201001 and Maricopa County, administered by its Human Services Department. The purpose of this IGA is to provide American Recovery and Reinvestment Act (ARRA) funds under the Workforce Investment Act (WIA) Title, 1B Federal Grant program as authorized on February 17, 2009. Services to be provided under this agreement include: Youth, Summer Youth Employment, Adult, and Dislocated Worker services. Funding amount is \$7,874,563 for Maricopa Workforce Connections activities. The term of the IGA is February 17, 2009 to June 30, 2011.

The HSD indirect rate of 15.2% for FY 2008-09 was used to calculate the estimated indirect to be collected \$727,999 and are fully recoverable. \$2,357,100 will be used for Capital Equipment & Sub-recipient expenditures and is not subject to In-direct costs. Indirect cost will be collected on this IGA. This IGA does not contain any County General funds. (C-22-09-141-3-00)

Justice Courts

5. JUSTICE COURTS OPERATIONS/PROGRAM MANAGER POSITION REQUEST – APPROVED

Approve the creation of a classified position (Operations/Program Manager) in Justice Courts. This position request is necessary due to the fact that the current Judicial Services Administrator V is participating in the new Post Employment Health Enhancement (Retirement) Program (PEHEP) which requires that the current position (#10488) be eliminated. Creation of this position is necessary because the department can not operate without the Operations/Program Manager position.

Approve an exemption to the PEHEP in order to recruit for the newly created classified position (Operations/Program Manager) in the Justice Courts with the range of \$28.75/Hour to \$37.47/Hour. (C-24-09-009-M-00)

Justice System Planning and Information

6. MEMORANDUM OF AGREEMENT WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR ICJIS JWI SOFTWARE – WITHDRAWN

Approve a Memorandum of Agreement (MOA) between Arizona Department of Public Safety (AZ DPS, MOA No. 2008-269) and Maricopa County for use of the Justice Web Interface (JWI) software application developed by the Integrated Criminal Justice Information System (ICJIS). This Memorandum of Agreement is non-financial and will have no financial impact on the County. The MOU will be effective when fully executed by both parties and does not have an expiration date.

Approve a Memorandum of Agreement (MOA) between Maricopa County and the Arizona Department of Public Safety (AZ DPS) for use of the Justice Web Interface (JWI) software application developed by the Integrated Criminal Justice Information System (ICJIS). The JWI software is a browser application used to interface the Arizona Criminal Justice Information System (ACJIS) for inquiry, data entry, update, server application, reporting module, and database schema. ICJIS JWI software will enable DPS to efficiently and effectively access the Arizona Criminal Justice Information System. ICJIS shall provide AZ DPS with the Software within 15 days upon completion of this Agreement. (C-42-09-008-3-00)

Juvenile Probation

7. JUVENILE PROBATION DEPARTMENT PROBATION MANAGER POSITION REQUEST – APPROVED

Approve the creation of a classified position (Probation Manager) in the Juvenile Probation Department. This position request is necessary due to the fact that a current Juvenile Probation Manager is participating in the new Post Employment Health Enhancement (Retirement) Program (PEHEP) which requires that the current position (#1307) be eliminated. Creation of this position is necessary because the department cannot operate without the Probation Manager position.

Approve an exemption to the PEHEP in order to recruit for the newly created classified Juvenile Probation Manager with the range of \$30.88/Hour to \$37.62/Hour.

Position 1307, in the Juvenile Probation Department, was inactivated due to the previous incumbents participation in the 2009 Post Employment Health Enhancement (Retirement) Program (PEHEP). This position current attributes are as follows:

MRT: Juvenile Probation Manager – Juvenile Probation
Status: Classified
Budgeted Rate: \$42.90

Due to the nature of this position, the Juvenile Probation Department feels it necessary to replace position 1307 with a new position. The new position's attributes will be as follows:

MRT: Juvenile Probation Manager - Juvenile Probation
Status: Classified
Budgeted Rate: \$37.62

Due to the impending retirement of a Juvenile Probation Manager and budget balancing initiatives, the department plans to reorganize. This will result in achieving at least \$11,025 in savings as required under the 2009 Retirement Health Enhancement Program. Since Juvenile Probation has already achieved \$3,287,517 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-27-09-005-M-00)

Management and Budget

8. POLICY ON USE OF EMPLOYEE FURLOUGHS FOR BUDGET BALANCING – APPROVED

Approve the "Policy on Use of Employee Furloughs for Budget Balancing."

The purpose of this policy is to establish guidelines for balancing budgets with employee furlough savings for departments so that they can reduce expenditures while maintaining a sustainable, structurally-balanced budget. (C-49-09-054-6-00)

Public Works

9. IGA WITH DAISY MOUNTAIN FIRE DISTRICT, DEER VALLEY UNIFIED SCHOOL DISTRICT, AND THE AREA AGENCY ON AGING, REGION ONE, INCORPORATED, FOR ANTHEM EMERGENCY GATE ACCESS – APPROVED

Approve the Intergovernmental Agreement (IGA) among the Daisy Mountain Fire District, the Deer Valley Unified School District, the Area Agency on Aging, Region One, and Maricopa County by and through the Department of Transportation (County) collectively (the Partners for the Anthem Emergency Gate Access). The Partners have previously entered into Intergovernmental Agreements and Amendments regarding an electronically remote controlled emergency access gate (Anthem Gate) between Desert Hills Drive and Meridian Drive at a location approximately 900 feet east of 19th Avenue (approximately 1760 West of Desert Hills Drive). This Agreement is actually an amended and restated IGA originally approved by the Board on May 4, 2005 (C-64-05-280-2, Amended on October 19, 2005 (DMP2005-011, F-22165) and Amended on June 4, 2008 (C-64-05-280-2-01). The intent of this Agreement is to consolidate the provisions of the previous agreements into a comprehensive statement of the current circumstances and agreement of the Partners, plus delete Pulte Homes from the original Partner list. This Agreement addresses the need for the gate to be relocated, improvements to the gate, and the cost sharing between the County and the School District. The total cost for relocating the gate is estimated at \$96,796.44, with the School District contributing an amount not to exceed \$37,879.72 and the County estimated contribution at \$58,916.72.

Pursuant to a stipulation imposed by the County in connection with the October 18, 2000 approval of a Major Amendment to the Pulte Home Corporation Anthem Development Master Plan, Pulte was required to provide emergency controlled access as requested by the County in response to the needs of appropriate agencies. It is understood that Pulte was a signatory to the original Agreement because as the developer it was required to build the initial gate and it is agreed that Pulte has no further obligation under the original or the Amended Agreements. To enhance the safety of school buses and emergency vehicles using the Access Gate, the Partners agree that the Access Gate needs to be relocated, improvements to the gate need to be

made, and that security at the site needs to be enhanced. The County will perform repairs to the Access Gate and other Project improvements required due to normal wear and tear or vandalism and the School District will reimburse the County for 50% of the repair costs, excluding costs associated with the surveillance cameras. The total Project cost is estimated to be \$96,796.44, with the School District contributing an amount not to exceed \$37,879.72. The County's estimated share is \$58,916.72. Supervisory District No 3. (C-64-05-280-2-02)

Risk Management

10. CROSS APPEAL IN BRAILLARD V MARICOPA COUNTY – APPROVED

Approve filing of cross appeal of the Court's granting of a Protective Order in the Brillard v Maricopa County case CV2006-01548, claim number MM2642028898. This matter was discussed in Executive Session on May 4, 2009. (C-75-09-010-M-00)

Sheriff

11. EXCEPTIONS TO TECHNOLOGY FINANCE PROGRAM FOR SHERIFF'S OFFICE – APPROVED

Approve exceptions to the technology finance program for applicable equipment items and their related components that have been acquired or will be acquired on the basis of funding approved in Board of Supervisors actions: C-50-07-500-M-02; C-50-08-014-8-1; C-50-08-538-3-00; C-50-08-554-3-01; C-50-08-596-3-00; C-50-09-004-G-00; C-50-09-018-2-00; C-50-09-034-G-00; C-50-09-035-G-00; C-50-09-037-G-00; C-50-09-041-G-00.

Projects include, but are not limited to Mobile Data Computing, Jail (Information) Management System (JMS), Central Services Complex Voice Systems and various Grants. Approval is necessary because one-time funding requires one-time purchases.

The Board has previously approved funding for various projects and grant awards. This action is necessary to ensure alignment and compliance with new policies concerning procurement of equipment and technology related items and the expanded definition of TFP items (e.g. radios). (C-50-09-068-6-00)

Workforce Management and Development

12. SUSPENSION OF TELECOMMUTING POLICY AND LEAVE PLAN PROVISIONS TO ADDRESS SWINE FLU OUTBREAK – APPROVED AS AMENDED

Approve the suspension of the telecommuting policy and leave plan provisions to address the swine flu outbreak.

The Director, Workforce Management & Development recommends approval of the following measures designed to assist County departments and employees with scheduling and attendance issues related to the swine flu outbreak:

1. Approve changes to the Employee Merit System Rules consistent with the adopted recommended changes by the Maricopa County Employee Merit Commission scheduled for 1:30 p.m. on May 6, 2009 suspending the FML provisions in Rule 12 ("Leave Plan") of the Employee Merit System Rules that govern use of paid FML. Suspend the FML provisions in the general Leave Plan that govern use of paid FML,

and permit all employees, including classified employees on initial probation, to take accrued FML or to use their FML banks as necessary. This action will give employees direct access to paid time off if they are ill, if they have to care for a family member who is ill, or if they have to look after a child whose school has closed due to the swine flu outbreak.

2. Approve changes to the Employee Merit System Rules consistent with the adopted recommended changes by the Maricopa County Employee Merit Commission at their meeting scheduled for 1:30 p.m. on May 6, 2009 suspending the Personal Leave provisions in Rule 12 ("Leave Plan") of the Employee Merit System Rules that govern use of paid Personal Leave. Suspend the Personal Leave provisions in the general Leave Plan that govern use of paid Personal Leave, and permit all employees to take accrued Personal Leave or to use their Personal Leave banks as necessary. This action will make paid Personal Leave expressly available for employees who become ill, who must care for a family member who is ill, or who must look after a child whose school has closed due to the swine flu outbreak, but who may not have sufficient sick leave hours to cover their absence.

3. Suspend the provisions of the County Teleworking policy, HR2409, to facilitate expanded telecommuting arrangements for those employees who are able to perform their work responsibilities from their home or from a remote location. With regard to those employees who must be absent from the workplace in order to look after a child whose school has closed due to a swine flu outbreak, this action will facilitate telecommuting arrangements provided they are feasible from a technological, physical and work load perspective. As always, telecommuting arrangements will be a matter of supervisor discretion, subject to the needs of the business, and will require a pragmatic approach and common sense.

Direct the automatic rescission of these provisions when it is determined by the Maricopa County Public Health Director that the public health risk posed by the swine flu outbreak has diminished. (C-31-09-012-6-00)

**Recess and Reconvene in Executive Session
in the Sullivan Conference Room
301 W. Jefferson, 10th Floor
Phoenix, Arizona 85003**

Board of Supervisors

13. EXECUTIVE SESSION – APPROVED

Vote to convene in Executive Session to consider the items on the Special Executive Agenda dated Wednesday, May 06, 2009, pursuant to the statutory authority listed for each item.

FLOOD CONTROL DISTRICT

F-1. RESCIND PREVIOUS BOARD ACTION AND ADOPT NEW RESOLUTION RELATED TO GRANT POLICY GUIDELINES FOR INITIAL APPLICATIONS AND DELEGATING

AUTHORITY ON REQUIRED SIGNATURES FOR GRANT APPLICATIONS - FLOOD CONTROL DISTRICT – APPROVED

Rescind the Resolution adopted by the Board of Directors on March 18, 2009, entitled, "Resolution for the Board of Supervisors/Board of Directors for the Delegation Authority on Grant Applications in Compliance with Grant Policy Guidelines." (C-06-09-307-6-00)

Adopt a new Resolution entitled, "Resolution of the Board of Supervisors/Board of Directors Modifying the Grant Policy Guidelines for Initial Applications and Delegating Authority on Required Signatures for Grant Applications." This Resolution amends the initial grant application requirements of Section D.1(a) of the Policy for Administering Grants (A2505).

The new Resolution permits departments and special districts to apply for grants that meet certain requirements in order to prevent the County from incurring additional expenses associated with grants as much as possible. Grant applications that do not meet the requirements set forth in the amendment must receive approval by the Board prior to application. This amendment shall apply to all grant applications submitted after May 14, 2009. In addition, the Resolution delegates authority to the Chairman of the Board to sign grant applications when the granting authority requires the Chairman's signature. (C-06-09-307-6-01)

LIBRARY DISTRICT

L-1. RESCIND PREVIOUS ACTION AND ADOPT NEW RESOLUTION RELATED TO GRANT POLICY GUIDELINES FOR INITIAL APPLICATIONS AND DELEGATING AUTHORITY ON REQUIRED SIGNATURES FOR GRANT APPLICATIONS - LIBRARY DISTRICT – APPROVED

Rescind the Resolution adopted by the Board of Directors on March 18, 2009, entitled, "Resolution for the Board of Supervisors/Board of Directors for the Delegation Authority on Grant Applications in Compliance with Grant Policy Guidelines." (C-06-09-308-6-00)

Adopt a new Resolution entitled, "Resolution of the Board of Supervisors/Board of Directors Modifying the Grant Policy Guidelines for Initial Applications and Delegating Authority on Required Signatures for Grant Applications." This Resolution amends the initial grant application requirements of Section D.1(a) of the Policy for Administering Grants (A2505).

The new Resolution permits departments and special districts to apply for grants that meet certain requirements in order to prevent the County from incurring additional expenses associated with grants as much as possible. Grant applications that do not meet the requirements set forth in the amendment must receive approval by the Board prior to application. This amendment shall apply to all grant applications submitted after May 14, 2009. In addition, the Resolution delegates authority to the Chairman of the Board to sign grant applications when the granting authority requires the Chairman's signature. (C-06-09-308-6-01)

STADIUM DISTRICT

S-1. RESCIND PREVIOUS BOARD ACTION AND ADOPT NEW RESOLUTION RELATED

**TO GRANT POLICY GUIDELINES FOR INITIAL APPLICATIONS AND DELEGATING
AUTHORITY ON REQUIRED SIGNATURES FOR GRANT APPLICATIONS -
STADIUM DISTRICT – APPROVED**

Rescind the Resolution adopted by the Board of Directors on March 18, 2009, entitled, "Resolution for the Board of Supervisors/Board of Directors for the Delegation Authority on Grant Applications in Compliance with Grant Policy Guidelines." (C-06-09-309-6-00)

Adopt a new Resolution entitled, "Resolution of the Board of Supervisors/Board of Directors Modifying the Grant Policy Guidelines for Initial Applications and Delegating Authority on Required Signatures for Grant Applications." This Resolution amends the initial grant application requirements of Section D.1(a) of the Policy for Administering Grants (A2505).

The new Resolution permits departments and special districts to apply for grants that meet certain requirements in order to prevent the County from incurring additional expenses associated with grants as much as possible. Grant applications that do not meet the requirements set forth in the amendment must receive approval by the Board prior to application. This amendment shall apply to all grant applications submitted after May 14, 2009. In addition, the Resolution delegates authority to the Chairman of the Board to sign grant applications when the granting authority requires the Chairman's signature. (C-06-09-309-6-01)